

**Before the State of South Carolina
Department of Insurance**

In the matter of:

SCDI File Number 2001-108300

Sherry F. Linder,

529 Ballpark Drive
Chester, South Carolina 29706

**Consent Order
Imposing Administrative Penalty
And Allowing Licensure**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Sherry F. Linder, an applicant for licensee as a State of South Carolina resident insurance agent.

In January 2001, Linder submitted an application for an Insurance Agent's License. The application was denied because Department records reflect on January 17, 1992 that Linder's Insurance Agent's License had been revoked for failing to respond to a notice to request a public hearing. Linder contends that she never received the Department's notice to request a hearing and that her failure to disclose this information to the Department was inadvertent and not an effort to circumvent the insurance laws of this State.

Linder was informed of her statutory privilege to request a public hearing to appeal the denial of the Application pursuant to the provisions of S. C. Code Ann. § 38-43-130 (Supp. 2000). Subsequently, however, the parties agreed, rather than proceeding toward a formal public hearing, to submit the entire matter to me, along with the specific recommendation, for my summary decision based solely on the record. That recommendation was that Linder would waive her right to a public hearing, pay a negotiated and consensual administrative fine of \$300, and submit a new, properly completed application to the Department detailing her criminal conviction and revocation.

S.C. Code Ann. §§ 38-43-50 (1989) and 38-43-100 (Supp. 1998) require a candidate for licensure as a State of South Carolina resident insurance agent to be "trustworthy." S.C. Code Ann. § 38-7-140 (Supp. 2000) makes it unlawful to fail to provide required information or to supply false or fraudulent information to the Department with the intent to evade a requirement of the State's insurance laws, the failure to disclose a revocation on an application could demonstrate untrustworthiness or lack of moral character.

After a thorough review of the record, carefully considering the recommendation of the parties, and in accordance with my findings of fact, I now conclude, as a matter of law that Linder failed to disclose fully her insurance agent's license revocation on the application. This violation of



Sherry F. Linder

South Carolina's insurance laws casts doubt on her character and trustworthiness. I can, therefore, deny his application to be licensed as a South Carolina resident insurance agent.

However, under the discretionary authority provided to me by the General Assembly within S.C. Code Ann. Section 38-2-10 (2) (Supp. 2000), I hereby allow Linder to become licensed as a resident insurance agent and impose on her, as a precondition to her license, an administrative fine in the total amount of \$300, which must be paid within ten days of receipt of this consent order. I also hereby require, as a precondition to Linder's licensure, that she submit a new, properly completed application on her behalf.

The parties have reached this agreement in consideration of Sherry F. Linder's good faith attempt to comply with the statutory requirements of this state and her assurance that in the future she will comply with the state's insurance laws, particularly providing address change information in a timely manner. The parties expressly agree and understand Sherry F. Linder's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter

By her signature upon this consent order, Linder acknowledges that she understands this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 1998). Nothing contained in this administrative disciplinary order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained in this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained in this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 1998), of the Director of Insurance, exercised either directly or through the Department to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore, ordered that Sherry F. Linder, shall within ten days of receipt of this consent order, pay through the Department an administrative fine in the total amount of \$300.

It is further ordered that a copy of this consent order shall be transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Sherry F. Linder's licensing file.

This consent order becomes effective as of the date of my signature below.

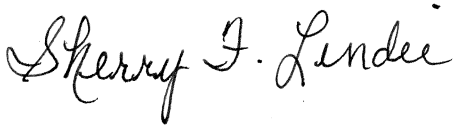
 Sherry F. Linder



Ernst N. Csiszar
Director

November
~~October~~ 8, 2001 at
Columbia, South Carolina

I CONSENT:



Sherry F. Linder
529 Ballpark Drive
Chester, South Carolina 29706

Dated this 5th *November* day of ~~October~~, 2001